

PROB. 12B
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 29 2007
at 2 o'clock and 50 min. M.
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: JUAN M. MEDINA, JR., Case Number: CR 00-00047ACK-01

Name of Sentencing Judicial Officer: The Honorable Alan C. Kay
Senior U.S. District Judge

Date of Original Sentence: 10/2/2000

Original Offense: Possession With Intent to Distribute in Excess of 50 Grams
of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1),
a Class A felony

Original Sentence: One hundred and twenty-one (121) months imprisonment and five
(5) years supervised release with the following special conditions:
1) That the defendant participate in a substance abuse program,
which may include drug testing at the discretion and direction of the
Probation Office; 2) That the defendant is prohibited from
possessing any illegal or dangerous weapons; and 3) That the
defendant provide the Probation Office access to any requested
financial information.

Type of Supervision: Supervised Release Date Supervision Commenced: N/A

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

*General Condition: Juan M. Medina, Jr., as a special condition of supervision,
shall submit to one drug test within 15 days of release from
imprisonment and at least two periodic drug tests thereafter,
not to exceed four tests per month, as directed by the
probation officer, pursuant to 18 U.S.C. 3583(d).*

- 4) *Juan M. Medina, Jr., as a special condition of supervision,
shall refrain from using alcohol during the period of
supervision.*

CAUSE

The subject is currently still completing his term of incarceration. On 8/10/2007, our office received a letter from the Probation Office in the Central District of California (CD/CA) indicating that the subject has requested to reside in their district upon his release from custody on 7/1/2008. The CD/CA Probation Office conditionally accepted the subject's case contingent upon the imposition of an alcohol abstinence condition and an update of the mandatory drug testing condition.

In light of U.S. vs. Stephens, the probation officer is requesting the authority to randomly drug test the subject throughout his term of supervision regardless of his enrollment in substance abuse counseling. Additionally, the CD/CA believes that alcohol abstinence will aid in the subject's substance abuse recovery. According to the subject's Presentence Report, his substance abuse history includes the use of marijuana and methamphetamine prior to his arrest for the instant offense. The subject also stated that he was "addicted" to methamphetamine from age 18 to 22. As a result, we respectfully recommend that the Court modify the conditions of supervised release as requested by the CD/CA.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



ALYSA K. MAKAHANALOA
U.S. Probation Officer Assistant

Approved by:

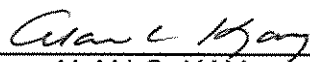


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 8/24/2007

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



ALAN C. KAY
Senior U.S. District Judge

8/28/07

Date

PROB 49
(3/89)

United States District Court

_____ District _____ of Hawaii _____

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Juan M. Medina, Jr., as a special condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic tests thereafter, not to exceed four tests per month, as directed by the probation officer, pursuant to 18 USC 3583 (d).

Juan M. Medina, Jr., as a special condition of supervision, shall refrain from using alcohol during the period of supervision.

Witness Robert D. Chavez

U.S. Probation Officer

Signed

Juan M. Medina, Jr.

Probationer or Supervised Releasee

AUG 07 2007

Date

NO. 5699 P. 3/3
NO. 5667 P. 3

AUG. 10. 2007 9:45AM
U S PROBATION OFFICE
AUG. 7. 2007 1:53PM
U S PROBATION OFFICE